

UNITED STATES JUDICIAL PANEL

on  
MULTIDISTRICT LITIGATION

**CHAIRMAN:**  
Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888  
<http://www.jpml.uscourts.gov>

December 13, 2007

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: January 30, 2008

LOCATION OF HEARING SESSION: Sandra Day O'Connor United States Courthouse  
Special Proceedings Courtroom #200, 2nd Floor  
401 West Washington Street  
Phoenix, Arizona 85003-2146

TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **January 11, 2008**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,



Jeffery N. Lüthi  
Clerk of the Panel

cc: Clerk, U.S. District Court for the District of Arizona

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**HEARING SESSION ORDER**

The Panel issues the following orders in connection with its next hearing session,

IT IS ORDERED that on January 30, 2008, the Panel will convene a hearing session in Phoenix, Arizona, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

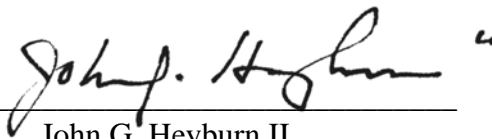
IT IS FURTHER ORDERED that the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that the Panel will hear oral argument on the matters listed on Section A of the attached Schedule.

IT IS FURTHER ORDERED that the Panel will consider without oral argument the matters listed on Section B of the attached Schedule pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to designate any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

PANEL ON MULTIDISTRICT LITIGATION:



John G. Heyburn II  
Chairman

D. Lowell Jensen  
Robert L. Miller, Jr.  
David R. Hansen

J. Frederick Motz  
Kathryn H. Vratil  
Anthony J. Scirica

SCHEDULE OF MATTERS FOR HEARING SESSION  
January 30, 2008 -- Phoenix, Arizona

**SECTION A**  
**MATTERS DESIGNATED FOR ORAL ARGUMENT**

MDL No. 1903 -- **IN RE: PEPSICO, INC., BOTTLED WATER MARKETING AND  
SALES PRACTICES LITIGATION**

Motion of defendants PepsiCo, Inc., and The Pepsi Bottling Group, Inc., for  
centralization of the following actions in the United States District Court for the Southern  
District of New York:

Southern District of New York

Brian Fielman v. PepsiCo, Inc., et al., C.A. No. 7:07-6815  
Carmen Collado v. PepsiCo, Inc., et al., C.A. No. 7:07-6874

Western District of Tennessee

Stacey Anderson, et al. v. PepsiCo, Inc., et al., C.A. No. 2:07-2514

Southern District of Texas

Christina Villa, et al. v. PepsiCo, Inc., et al., C.A. No. 4:07-3060

MDL No. 1904 -- **IN RE: OSI RESTAURANT PARTNERS, LLC, FAIR AND ACCURATE  
CREDIT TRANSACTIONS ACT (FACTA) LITIGATION**

Motion of defendant OSI Restaurant Partners, LLC, for centralization of the following  
actions in the United States District Court for the Eastern District of Pennsylvania:

Northern District of Illinois

Steven Troy v. Carrabba's Italian Grill, Inc., C.A. No. 1:07-4329

Eastern District of Pennsylvania

Gerald D. Wells, Jr., et al. v. OSI Restaurant Partners, Inc., et al., C.A. No. 2:07-1431  
David Sochin v. OSI Restaurant Partners, Inc., et al., C.A. No. 2:07-2228

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MDL No. 1904 (Continued)

Western District of Pennsylvania

Lauren C. Hughes, et al. v. OSI Restaurant Partners, Inc., C.A. No. 2:07-1197

MDL No. 1905 -- **IN RE: MEDTRONIC, INC., SPRINT FIDELIS LEADS PRODUCTS  
LIABILITY LITIGATION**

Motion of plaintiffs Frederick Santitoro, et al., for centralization of certain of the following actions in a single United States district court; motion of plaintiff David Wood for centralization of certain of the following actions in the United States District Court for the District of Puerto Rico or, in the alternative, the United States District Court for the Northern District of California; motion of plaintiffs Linda J. White and Doug Venning for centralization of certain of the following actions in the United States District Court for the Southern District of Florida; and motion of plaintiff John North for centralization of the following actions in the United States District Court for the Southern District of Florida:

Northern District of California

Jeneane Baque v. Medtronic, Inc., C.A. No. 3:07-5352

Willie West, et al. v. Medtronic, Inc., et al., C.A. No. 3:07-5697

Southern District of Florida

John North v. Medtronic, Inc., et al., C.A. No. 1:07-22764

Eugene Clasby v. Medtronic, Inc., et al., C.A. No. 1:07-22768

Mary M. Wardwell, etc. v. Medtronic, Inc., et al., C.A. No. 9:07-81034

Doug Venning v. Medtronic, Inc., et al., C.A. No. 9:07-81056

Leroy Coffee v. Medtronic, Inc., et al., C.A. No. 9:07-81094

District of Kansas

Phillip S. Brown v. Medtronic, Inc., et al., C.A. No. 2:07-2542

Schedule of Matters for Hearing Session, Section A  
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MDL No. 1905 (Continued)

Eastern District of Louisiana

Keith Paul Trosclair v. Medtronic, Inc., et al., C.A. No. 2:07-7565  
Henry J. Theriot, et al. v. Medtronic, Inc., et al., C.A. No. 2:07-8441

Western District of Louisiana

Randall Stone v. Medtronic, Inc., et al., C.A. No. 3:07-1902  
Mattie Ley Johnson Londo v. Medtronic, Inc., et al., C.A. No. 6:07-1809  
Dianna Sonnier v. Medtronic, Inc., et al., C.A. No. 6:07-1889

District of Minnesota

Kelly Luisi, et al. v. Medtronic, Inc., et al., C.A. No. 0:07-4250  
Harvey Lee Conway, Jr., et al. v. Medtronic, Inc., et al., C.A. No. 0:07-4270  
Linda J. White v. Medtronic, Inc., et al., C.A. No. 0:07-4412  
Rodney C. Kesti v. Medtronic, Inc., et al., C.A. No. 0:07-4442  
Jesse Noonan v. Medtronic, Inc., et al., C.A. No. 0:07-4528

Western District of Missouri

Kenneth R. Carlile v. Medtronic, Inc., et al., C.A. No. 5:07-6110

District of Puerto Rico

Russell Nelson, et al. v. Medtronic, Inc., et al., C.A. No. 3:07-1969  
David Wood v. Medtronic, Inc., et al., C.A. No. 3:07-1971  
Frederick Santitoro, et al. v. Medtronic, Inc., et al., C.A. No. 3:07-1972  
Norman Black v. Medtronic, Inc., et al., C.A. No. 3:07-2014  
Gilberto Colon-Perez, et al. v. Medtronic, Inc., et al., C.A. No. 3:07-2021  
William E. Storms v. Medtronic, Inc., et al., C.A. No. 3:07-2049  
Gerald Phaup, Jr. v. Medtronic, Inc., et al., C.A. No. 3:07-2050  
Carlos Milan, et al. v. Medtronic, Inc., et al., C.A. No. 3:07-2064

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**MDL No. 1906 -- IN RE: MEDICARE FEE SCHEDULE LOCALITY LITIGATION**

Motion of plaintiffs County of Santa Cruz, et al., for centralization of the following actions in the United States District Court for the Northern District of California:

Eastern District of California

Yolanda E. Marchetti, et al. v. Michael O. Leavitt, C.A. No. 2:07-1179

Northern District of California

County of Santa Cruz, et al. v. Michael O. Leavitt, C.A. No. 3:07-2888

**MDL No. 1907 -- IN RE: AURORA DAIRY CORP. ORGANIC MILK MARKETING  
AND SALES PRACTICES LITIGATION**

Motion of plaintiffs Rebecca Freyre, et al., for centralization of the following actions in the United States District Court for the District of Colorado:

District of Colorado

Rebecca Freyre, et al. v. Aurora Dairy Corp., C.A. No. 1:07-2183

Mona Still, et al. v. Aurora Dairy Corp., C.A. No. 1:07-2188

Southern District of Florida

Maya Fiallos v. Aurora Dairy Corp., C.A. No. 1:07-22748

Eastern District of Missouri

Kristine Mothershead, et al. v. Aurora Dairy Corp., C.A. No. 4:07-1701

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**MDL No. 1908 -- IN RE: CMA MORTGAGE, INC., FAIR CREDIT REPORTING ACT  
(FCRA) LITIGATION**

Motion of defendant Jason Wanek for centralization of the following actions in the  
United States District Court for the Southern District of Indiana:

Southern District of Indiana

American Family Mutual Insurance Co. v. C.M.A. Mortgage, Inc., et al.,  
C.A. No. 1:06-1044

Eastern District of Wisconsin

Mary Forrest v. C.M.A. Mortgage, Inc., C.A. No. 2:06-14

**MDL No. 1909 -- IN RE: GADOLINIUM CONTRAST DYES PRODUCTS LIABILITY  
LITIGATION**

Motion of plaintiffs Alisha A. Hagwood, et al.; Robert W. Murray, et al.; Carolyn Hall,  
etc.; Lance A. Voeltner; Paul W. Frazier, et al.; John G. Walker, et al.; Beverly Rockwell, etc.;  
Gwendolyn Dennis; Danielle Marie Snyder; Jeanetta Deason; Greta Carolus, et al.; and Ronald  
E. Corkern, III, for centralization of the following actions in the United States District Court for  
the Southern District of Ohio:

Eastern District of Arkansas

Roland Thomas v. General Electric Co., et al., C.A. No. 4:07-936

Central District of California

Cynthia Kay Mitchell v. Berlex Labs, Inc., et al., C.A. No. 5:07-433

District of Colorado

Greta Carolus, et al. v. General Electric Co., et al., C.A. No. 1:07-714

Northern District of Georgia

Mary Davis, etc. v. General Electric Co., et al., C.A. No. 4:07-202

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MDL No. 1909 (Continued)

Western District of Louisiana

Ronald E. Corkern, III v. General Electric Co., et al., C.A. No. 1:07-979

District of Minnesota

William Clark v. General Electric Co., et al., C.A. No. 0:07-3818

Western District of Missouri

Abraham Showalter, et al. v. General Electric Co., et al., C.A. No. 5:07-6102

Northern District of Ohio

John G. Walker, et al. v. Tyco Healthcare Group LP, et al., C.A. No. 1:07-741

Beverly Rockwell, etc. v. Bayer Healthcare Pharmaceuticals, Inc., et al.,

C.A. No. 1:07-1564

Gwendolyn Dennis v. General Electric Co., et al., C.A. No. 1:07-2849

James Babione v. General Electric Co., et al., C.A. No. 3:07-1977

Southern District of Ohio

Alisha A. Hagwood, et al. v. General Electric Co., et al., C.A. No. 2:07-548

Robert W. Murray, et al. v. General Electric Co., et al., C.A. No. 2:07-612

Carolyn Hall, etc. v. General Electric Co., et al., C.A. No. 2:07-942

Lance A. Voeltner v. General Electric Co., et al., C.A. No. 2:07-943

Paul W. Frazier, et al. v. Bayer Corp., et al., C.A. No. 2:07-1005

District of South Carolina

Anna White v. General Electric Co., et al., C.A. No. 2:07-1740

Middle District of Tennessee

Danielle Marie Snyder v. GE Healthcare, Inc., et al., C.A. No. 3:07-290

Jeanetta Deason v. General Electric Co., et al., C.A. No. 3:07-619



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MDL No. 1909 (Continued)

Middle District of Tennessee (Continued)

Jerry Henley, et al. v. Tyco International, Ltd., et al., C.A. No. 3:07-774  
Kerry Kurt Phillips, et al. v. General Electric Co., et al., C.A. No. 3:07-824

Southern District of Texas

Lloyd Massie, et al. v. Bayer Healthcare, LLC, et al., C.A. No. 3:07-368

Western District of Texas

Donna Lee v. General Electric Co., et al., C.A. No. 5:07-825  
Ray Rodriguez, et al. v. General Electric Co., et al., C.A. No. 5:07-826

MDL No. 1910 -- **IN RE: PHOENIX LICENSING, L.L.C., PATENT LITIGATION**

Motion of defendants Citibank, N.A.; Citibank USA, N.A.; Citibank (South Dakota), N.A.; CitiMortgage, Inc.; Citigroup, Inc.; Citi Assurance Services, Inc.; and Citicorp Credit Services, Inc., for centralization of the following actions in the United States District Court for the District of Delaware or, in the alternative, the United States District Court for the Northern District of Illinois or the United States District Court for the District of Arizona:

District of Arizona

State Farm Mutual Automobile Insurance Co. v. LPL Licensing, L.L.C., et al.,  
C.A. No. 2:07-1329  
State Farm Bank, F.S.B. v. LPL Licensing, L.L.C., et al., C.A. No. 2:07-1895  
United Services Automobile Association v. LPL Licensing, L.L.C., et al.,  
C.A. No. 2:07-1968

District of Delaware

Citicorp Credit Services, Inc. v. LPL Licensing, L.L.C., et al., C.A. No. 1:07-649

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MDL No. 1910 (Continued)

Northern District of Illinois

Discover Products, Inc. v. Phoenix Licensing, L.L.C., et al., C.A. No. 1:07-5776

Eastern District of Texas

Phoenix Licensing, L.L.C., et al. v. Chase Manhattan Mortgage Corp., et al.,  
C.A. No. 2:07-387

MDL No. 1911 -- **IN RE: MICHELIN NORTH AMERICA, INC., PAX SYSTEM  
MARKETING AND SALES PRACTICES LITIGATION**

Motion of defendant Michelin North America, Inc., for centralization of the following  
actions in the United States District Court for the District of Maryland:

District of Arizona

Larry Palmer, et al. v. American Honda Motor Co., Inc., et al., C.A. No. 2:07-1904

Southern District of Florida

Michelle Smith v. American Honda Motor Co., Inc., et al., C.A. No. 0:07-61524

Northern District of Illinois

Charles L. Williams v. American Honda Motor Co., Inc., et al., C.A. No. 1:07-5933

Southern District of New York

Nicholas Longo, et al. v. American Honda Motor Co., Inc., et al., C.A. No. 7:07-9339

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**MDL No. 1912 -- IN RE: FASTENERS ANTITRUST LITIGATION**

Motion of plaintiffs Harris Manufacturing Co., Inc.; Fishman & Tobin, Inc.; Allan Zipper Co., Inc.; Greenman, Inc.; Doubles Marketing & Sales, Inc.; and Leeding Sales Co., Inc., for centralization of certain of the following actions in the United States District Court for the Eastern District of Pennsylvania and motion of plaintiffs Goodwill Industries of South Florida, Inc.; Intratext, SA; and Dana Undies, Inc., for centralization of the following actions in the United States District Court for the Southern District of New York:

Southern District of New York

Goodwill Industries of South Florida, Inc. v. William Prym GmbH & Co., KG, et al.,  
C.A. No. 1:07-9691  
Intratext, SA v. William Prym GmbH & Co., KG, et al., C.A. No. 1:07-9720  
Cocoe Voci, Inc. v. William Prym GmbH, KG, et al., C.A. No. 1:07-9929  
Dana Undies, Inc. v. Coats PLC, et al., C.A. No. 1:07-10340

Eastern District of Pennsylvania

Harris Manufacturing Co., Inc. v. YKK Corp., et al., C.A. No. 2:07-4602  
Fishman & Tobin, Inc. v. YKK Corp., et al., C.A. No. 2:07-4617  
Allan Zipper Co., Inc. v. YKK Corp., et al., C.A. No. 2:07-4654  
Greenman, Inc. v. YKK Corp., et al., C.A. No. 2:07-4667  
Doubles Marketing & Sales, Inc. v. YKK Corp., et al., C.A. No. 2:07-4672  
Leeding Sales Co., Inc. v. YKK Corp., et al., C.A. No. 2:07-4674

**MDL No. 1913 -- IN RE: TRANSPACIFIC PASSENGER AIR TRANSPORTATION  
ANTITRUST LITIGATION**

Motion of plaintiffs Donald Wortman, et al., for centralization of the following actions in the United States District Court for the Northern District of California:

Central District of California

Andrew Barton, et al. v. Air New Zealand, et al., C.A. No. 2:07-7392

Northern District of California

Donald Wortman, et al. v. Air New Zealand, et al., C.A. No. 3:07-5634

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**MDL No. 1914 -- IN RE: MERCEDES-BENZ TELE AID CONTRACT LITIGATION**

Motion of defendant Mercedes-Benz USA, LLC, for centralization of the following actions in the United States District Court for the District of New Jersey:

Central District of California

Cristian Pellegrini v. Mercedes-Benz USA, LLC, C.A. No. 2:07-4530

District of New Jersey

S.B. Atlass v. Mercedes-Benz USA, LLC, C.A. No. 2:07-2720

Western District of Washington

Lois Stowers, et al. v. Mercedes-Benz USA, LLC, C.A. No. 2:07-1797

**MDL No. 1915 -- IN RE: AIMCO, INC., FAIR LABOR STANDARDS ACT LITIGATION**

Motion of plaintiffs for centralization of the following actions in the United States District Court for the District of District of Columbia:

Northern District of Alabama

Paul Bone, et al. v. Apartment Investment & Management Co., et al., C.A. No. 2:07-1311

District of Arizona

Kevin Boland, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 2:07-1370

Northern District of California

Joseph Dominguez, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 3:05-4824

Joseph Dominguez, et al. v. AIMCO Properties, L.P., et al., C.A. No. 3:07-3245

Kenneth Campbell, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 3:07-3640

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MDL No. 1915 (Continued)

District of Colorado

Mark Hill, et al. v. Apartment Investment & Management Co., et al., C.A. No. 1:07-1492

District of District of Columbia

William T. Chase, et al. v. AIMCO Properties, L.P., et al., C.A. No. 1:03-1683

Middle District of Florida

William Angulo, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 3:07-643

Northern District of Georgia

Ricky Thomas, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 1:07-1638

Northern District of Illinois

Travis Bishop, Jr., et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 1:07-3952

Southern District of Indiana

Gable Common, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 1:07-921

Western District of Kentucky

Robert Randolph, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 3:07-371

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MDL No. 1915 (Continued)

District of Maryland

Marvin Barton, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 8:06-192

William T. Chase, et al. v. AIMCO Properties, L.P., et al., C.A. No. 8:07-1394

Wendell Aceituno, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 8:07-1869

Eastern District of Michigan

Michael Birchett, Jr., et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 2:07-12939

Western District of Missouri

Johnny Conner, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 4:07-502

District of New Jersey

Linda Hulse, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 3:07-3256

Southern District of New York

John Galloway, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 1:07-6435

Western District of North Carolina

Samuel Crawford, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 3:07-274

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MDL No. 1915 (Continued)

Southern District of Ohio

Derrick Davis, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 1:07-542

Eastern District of Pennsylvania

Gilbert Mitchell, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 2:07-2915

District of South Carolina

Harold Cordle, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 7:07-2175

Middle District of Tennessee

Barry Burns, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 3:07-746

Eastern District of Texas

Christopher Bell v. Apartment Investment & Management Co., et al., C.A. No. 2:07-291

Western District of Virginia

Lawrence Dunbar, et al. v. Apartment Investment & Management Co., et al.,  
C.A. No. 3:07-34

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**MDL No. 1916 -- IN RE: CHIQUITA BRANDS INTERNATIONAL, INC., ALIEN TORT  
STATUTE AND SHAREHOLDERS DERIVATIVE LITIGATION**

Motion of defendants Chiquita Brands International, Inc., and Chiquita Fresh North America LLC for centralization of the following actions in the United States District Court for the District of District of Columbia:

District of District of Columbia

Jane/John Does 1-144 v. Chiquita Brands International, Inc., C.A. No. 1:07-1048  
Sheet Metal Workers Local #218 (S) Pension Fund, etc. v. Roderick M. Hills, et al.,  
C.A. No. 1:07-1957

Southern District of Florida

Antonio Gonzalez Carrizosa, et al. v. Chiquita Brands International, Inc., et al.,  
C.A. No. 0:07-60821

District of New Jersey

John Doe #1, et al. v. Chiquita Brands International, Inc., C.A. No. 2:07-3406

Southern District of New York

Juan Does 1-377, et al. v. Chiquita Brands International, Inc., C.A. No. 1:07-10300

Southern District of Ohio

City of Philadelphia Public Employees Retirement System, etc. v. Fernando Aguirre,  
et al., C.A. No. 1:07-851

**MDL No. 1917 -- IN RE: CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION**

Motion of plaintiff Crago, Inc., for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

Crago, Inc. v. Chunghwa Picture Tubes, Ltd., et al., C.A. No. 3:07-5944



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MDL No. 1917 (Continued)

Southern District of New York

Andrew Kindt v. Matsushita Electric Industrial Co., Ltd., et al., C.A. No. 1:07-10322

MDL No. 1918 -- **IN RE: COUNTRYWIDE FINANCIAL CORP., ET AL., REAL ESTATE  
SETTLEMENT PROCEDURES ACT (RESPA) LITIGATION**

Motion of plaintiffs Juline Masse, et al., for centralization of the following actions in the  
United States District Court for the District of New Jersey:

Middle District of Florida

Juline Masse, et al. v. Countrywide Financial Corp., et al., C.A. No. 2:07-580

District of New Jersey

Betsy Marple v. Countrywide Financial Corp., et al., C.A. No. 1:07-4402

MDL No. 1919 -- **IN RE: WASHINGTON MUTUAL, INC. SECURITIES, DERIVATIVE  
& "ERISA" LITIGATION**

Motion of defendant Washington Mutual, Inc., for centralization of the following actions  
in the United States District Court for the Western District of Washington:

Southern District of New York

Dennis Koesterer v. Washington Mutual, Inc., et al., C.A. No. 1:07-9801  
Joel Abrams, et al. v. Washington Mutual, Inc., et al., C.A. No. 1:07-9806

Western District of Washington

Mark Nelson v. John F. Woods, et al., C.A. No. 2:07-1809  
Tom Sneva, etc. v. Kerry K. Killinger, et al., C.A. No. 2:07-1826  
Lynne Harrison, etc. v. Kerry K. Killinger, et al., C.A. No. 2:07-1827

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MDL No. 1919 (Continued)

Western District of Washington (Continued)

Gregory Bushansky v. Washington Mutual, Inc., et al., C.A. No. 2:07-1874  
Vincent Bussey v. Washington Mutual, Inc., et al., C.A. No. 2:07-1879

MDL No. 1920 -- **IN RE: SATURN L-SERIES TIMING CHAIN PRODUCTS LIABILITY  
LITIGATION**

Motion of plaintiff Amy Faust for centralization of the following actions in the United States District Court for the District of Nebraska:

Northern District of Illinois

Linda S. Marchetta v. General Motors Corp., et al., C.A. No. 1:07-5362  
William P. Anderson v. Saturn Corp., C.A. No. 1:07-6213

District of Nebraska

Amy Faust v. General Motors Corp., et al., C.A. No. 8:07-298

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**SECTION B**  
**MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT**

MDL No. 875 -- **IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION (NO. VI)**

Oppositions of plaintiffs Elizabeth Machnik, etc.; Fernando Augusto Silva; Lewis Shifflett, et al.; William J. Hilbert, Jr., et al.; Christian Holinka; and Henry Barabin, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

District of Connecticut

Elizabeth Machnik, etc. v. Buffalo Pumps, Inc., et al., C.A. No. 3:07-357

Eastern District of Louisiana

Fernando Augusto Silva v. CertainTeed Corp., et al., C.A. No. 2:07-6259

District of Maryland

Lewis Shifflett, et al. v. AC&R Insulation Co., Inc., et al., C.A. No. 1:07-2397

District of Massachusetts

William J. Hilbert, Jr., et al. v. McDonnell Douglas Corp., et al., C.A. No. 1:07-11900

Southern District of New York

Christian Holinka v. Baxter Healthcare Corp., et al., C.A. No. 1:07-8019

Western District of Washington

Henry Barabin, et al. v. Albany International Corp., et al., C.A. No. 2:07-1454

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MDL No. 1203 -- **IN RE: DIET DRUGS (PHENTERMINE/FENFLURAMINE/  
DEXFENFLURAMINE) PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Lorraine D. Aragon to transfer of the following action to the  
United States District Court for the Eastern District of Pennsylvania:

Central District of California

Lorraine D. Aragon v. Wyeth, et al., C.A. No. 2:07-7038

MDL No. 1214 -- **IN RE: GREAT SOUTHERN LIFE INSURANCE COMPANY SALES  
PRACTICES LITIGATION**

Opposition of defendant Great Southern Life Insurance Co. to remand, under 28 U.S.C. §  
1407(a), of the following action to the United States District Court for the Northern District of  
California:

Northern District of Texas

Manuel A. Espinoza, et al. v. Great Southern Life Insurance Co., C.A. No. 3:00-2420  
(N.D. California, C.A. No. 3:00-763)

MDL No.1358 -- **IN RE: METHYL TERTIARY BUTYL ETHER ("MTBE") PRODUCTS  
LIABILITY LITIGATION**

Oppositions of defendants 7-Eleven, Inc.; Re/Max Greater Metro; Edgar C. Whittington;  
Rollinmead Realty, Inc.; Chris Erichsen; Frall Developers, Inc.; and ENSR Corp., to transfer of  
their respective following actions to the United States District Court for the Southern District of  
New York:

District of Maryland

Michael Harrison, et al. v. 7-Eleven, Inc., et al., C.A. No. 1:07-1179  
Thomas E. Ryan, Jr., et al. v. 7-Eleven, Inc., et al., C.A. No. 1:07-2770

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**MDL No. 1373 -- IN RE: BRIDGESTONE/FIRESTONE, INC., TIRES PRODUCTS  
LIABILITY LITIGATION**

Opposition of defendants Bridgestone/Firestone North American Tire, LLC and Ford Motor Company to transfer of the following action to the United States District Court for the Southern District of Indiana:

Western District of Arkansas

Mike Dinkel, etc. v. Bridgestone/Firestone North American Tire, LLC, et al.,  
C.A. No. 2:07-2102

**MDL No. 1491 -- IN RE: AFRICAN-AMERICAN SLAVE DESCENDANTS LITIGATION**

Motion of plaintiffs Timothy Hurdle, et al., for remand, pursuant to 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Central District of California:

Northern District of Illinois

Timothy Hurdle, et al. v. FleetBoston Financial Corp., et al., C.A. No. 1:03-2644  
(N.D. California, C.A. No. 3:02-4653)

**MDL No. 1535 -- IN RE: WELDING FUME PRODUCTS LIABILITY LITIGATION**

Oppositions of defendants The BOC Group, Inc.; The ESAB Group, Inc.; Hobart Brothers Company; The Lincoln Electric Company; Union Carbide Corp.; CBS Corp.; Select Arc, Inc.; Thermadyne Holding Corp.; Arcos Industries, L.L.C.; Deloro Stellite, L.P.; and Stooddy Company to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Southern District of Mississippi:

Northern District of Ohio

Robert E. Jowers, et al. v. Airgas-Gulf States, Inc., et al., C.A. No. 1:07-17010  
(S.D. Mississippi, C.A. No. 1:06-1187)

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**MDL No. 1596 -- IN RE: ZYPREXA PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff State of California ex rel. Jaydeen Vicente to transfer of the following action to the United States District Court for the Eastern District of New York:

Northern District of California

State of California ex rel. Jaydeen Vicente v. Eli Lilly & Co., C.A. No. 3:07-4911

**MDL No. 1626 -- IN RE: ACCUTANE PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiff Carrie Shellhammer to transfer of the following action to the United States District Court for the Middle District of Florida:

Northern District of California

Carrie Shellhammer v. Merck & Co., Inc., et al., C.A. No. 3:07-5586

**MDL No. 1657 -- IN RE: VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Mary M. Charles, etc.; Cecelia Jensen, etc.; Charles Erving, et al.; Dianne Dalton, et al.; Sergei Chepilko; and The People of the State of New York, et al., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

District of Alaska

Mary M. Charles, etc. v. Merck & Co., Inc., et al., C.A. No. 4:07-21

Northern District of Mississippi

Cecelia Jensen, etc. v. Merck & Co., Inc., et al., C.A. No. 4:07-166

Charles Erving, et al. v. Merck & Co., Inc., et al., C.A. No. 4:07-169

Southern District of Mississippi

Dianne Dalton, et al. v. Merck & Co., Inc., C.A. No. 3:07-576

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MDL No. 1657 (Continued)

Eastern District of New York

Sergei Chepilko v. Merck & Co., Inc., C.A. No. 1:07-4098

Southern District of New York

The People of the State of New York, et al. v. Merck & Co., Inc., C.A. No. 1:07-8434

MDL No. 1700 -- **IN RE: FEDEX GROUND PACKAGE SYSTEM, INC., EMPLOYMENT PRACTICES LITIGATION (NO. II)**

Opposition of plaintiff Theodore Holloway, Jr., to transfer of the following action to the United States District Court for the Northern District of Indiana:

District of Maryland

Theodore Holloway, Jr. v. FedEx Ground Package System, Inc., C.A. No. 1:07-2173

MDL No. 1715 -- **IN RE: AMERIQUEST MORTGAGE CO. MORTGAGE LENDING PRACTICES LITIGATION**

Oppositions of plaintiffs Victor H. Sanchez; Andrew Dlugolecki; and Douglas B. Campbell, et al., to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Central District of California

Victor H. Sanchez v. Argent Mortgage Co., LLC, C.A. No. 8:07-984

District of Connecticut

Andrew Dlugolecki v. Town & Country Credit Corp., et al., C.A. No. 3:07-1113

District of Maine

Douglas B. Campbell, et al. v. Ameriquest Mortgage Co., Bky. Advy. No. 2:07-2087

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**MDL No. 1718 -- IN RE: FORD MOTOR CO. SPEED CONTROL DEACTIVATION  
SWITCH PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Timothy L. Bost, II, et al., and State Farm Lloyds Insurance Co., etc., to transfer of their respective following actions to the United States District Court for the Eastern District of Michigan:

Southern District of Ohio

Timothy L. Bost, II, et al. v. Ford Motor Co., C.A. No. 3:07-376

Northern District of Texas

State Farm Lloyds Insurance Co., etc. v. Ford Motor Co., C.A. No. 4:07-589

**MDL No. 1742 -- IN RE: ORTHO EVRA PRODUCTS LIABILITY LITIGATION**

Oppositions of plaintiffs Theresa Yates; George Edward Fite, et al.; and Carrie L. Watkins to transfer of their respective following actions to the United States District Court for the Northern District of Ohio:

Northern District of Illinois

Theresa Yates v. Johnson & Johnson, et al., C.A. No. 1:07-5966

Western District of North Carolina

George Edward Fite, et al. v. Ortho-McNeil Pharmaceutical, Inc., et al.,  
C.A. No. 1:07-318

Eastern District of Wisconsin

Carrie L. Watkins v. Ortho-McNeil Pharmaceutical, Inc., et al., C.A. No. 2:07-897



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**MDL No. 1784 -- IN RE: MCDONALD'S FRENCH FRIES LITIGATION**

Opposition of plaintiffs M.M., et al., to transfer of the following action to the United States District Court for the Northern District of Illinois:

Eastern District of Missouri

M.M., et al. v. McDonald's Corp., et al., C.A. No. 4:07-1802

**MDL No. 1811 -- IN RE: GENETICALLY MODIFIED RICE LITIGATION**

Opposition of plaintiff The Simpson Company to transfer of the following action to the United States District Court for the Eastern District of Missouri:

Southern District of Texas

The Simpson Co. v. Bayer CropScience, LP, et al., C.A. No. 3:07-518

**MDL No. 1832 -- IN RE: PILGRIM'S PRIDE FAIR LABOR STANDARDS ACT  
LITIGATION**

Oppositions of plaintiff Elaine L. Chao and defendant Pilgrim's Pride Corp. to transfer of the following action to the United States District Court for the Western District of Arkansas:

Northern District of Texas

Elaine L. Chao v. Pilgrim's Pride Corp., C.A. No. 3:07-1352

**MDL No. 1845 -- IN RE: CONAGRA PEANUT BUTTER PRODUCTS LIABILITY  
LITIGATION**

Opposition of plaintiff Larry Colvin to transfer of the following action to the United States District Court for the Northern District of Georgia:

Western District of Washington

Larry Colvin v. ConAgra Foods, Inc., C.A. No. 2:07-1376

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**MDL No. 1871 -- IN RE: AVANDIA MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION**

Opposition of plaintiffs J. Terry Holland, et al., to transfer of the following action to the  
United States District Court for the Eastern District of Pennsylvania:

Eastern District of Tennessee

J. Terry Holland, et al. v. GlaxoSmithKline, PLC, C.A. No. 3:07-266

**MDL No. 1877 -- IN RE: CLASSICSTAR MARE LEASE LITIGATION**

Oppositions of plaintiffs AA-J Breeding, LLC, et al., and Larry McNeill to transfer of  
their respective following actions to the United States District Court for the Eastern District of  
Kentucky:

Eastern District of Michigan

AA-J Breeding, LLC, et al. v. GeoStar Corp., et al., C.A. No. 1:07-12849

District of Utah

Larry McNeill v. GeoStar Corp., et al., C.A. No. 2:06-911

PROCEDURES FOR ORAL ARGUMENT BEFORE THE  
UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re “East of the Rockies” Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

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(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.